

RULES AND REGULATIONS

GOVERNING WATER SERVICE

PUBLIC WORKS DEPARTMENT

CITY OF KALISPELL, MONTANA

April 2018

TABLE OF CONTENTS

Purpose of Rules and Regulations	1
Definitions	1
Records and Reports	3
Preservation of Records	3
Filing of Rules, Regulations, and Rate Schedules	3
Financial and Statistical Report	3
Customer Information	3
Rates	3
Rules and Regulations	4
Posting	4
Uses and Charges	4
Free Water	4
Temporary Services	4
Seasonal Service	4
Private Fire Protection Line	4
Water Sprinkling	5
No City Water But City Sanitary Sewer	5
Usage Restriction	6
Turn-On or Turn-Off	6
Resale of Water	6
Annexation Required for Initiation or Continuation of Water Service	6
Rate Establishment	7
Application for Water Service	7
Refusal to Serve Customer	7
Billing	8
Billing Periods	8
Opening and Closing Bills	8
Billing Information	8
Adjustment of Bills	8

Error in Billing	9
Dead Meters	9
Complaints	9
Service Interruptions	9
Notification of Scheduled Interruption	9
Emergency Interruption	9
Liability	10
Adjustment of Rate for Interruption	10
Discontinuance of Service	10
Vacation of Premises	10
Temporary Discontinuance	10
Discontinuance by Water Department	10
Charges for Reconnections Due to Water Department’s Discontinuance	11
Disconnected Services	11
Access to Property	11
Identification of Employees	11
Metering	12
Utility to Provide Meters	12
Location of Meters	12
Meter Testing	12
Meter Accuracy	12
Changes in Character of Service	13
Extension of Water Mains	13
Cost of Extensions	13
Extension Agreement or Late-Coming Customer Fee	13
Standards of Installation	13
Oversizing Mains	13
Additional Extensions	14
Service Lines and Connections	14
Main Connections	14
Service Lines	14

Maintenance of Service Lines.....	14
Interior Plumbing and Fixtures	15
Freezing and Prevention of Freezing	15
Mains.....	15
Service Lines.....	15
Fire Hydrants	15
Abandonment of Service	15
Source Water Protection	16
Geothermal Injection Wells and Open-Loop Systems.....	16
Cross Connection.....	16
Backflow Assemblies.....	16
Private Mains	16
Regulation Amendments	17

RULES AND REGULATIONS
FOR THE
KALISPELL WATER DEPARTMENT

Rule I Purpose of Rules and Regulations

The purpose of these rules and regulations is to set forth criteria to ensure adequate service, prevent unfair charges to the customer, and to protect the Kalispell Water Department from unreasonable demands.

The Kalispell Water Department is governed by the Kalispell City Council, hereinafter referred to as the City Council, and is under the direct supervision of the Director of Public Works. The adoption of these Rules and Regulations shall not preclude the City Council from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility or standard, either upon complaint, upon its own motion or upon application of the Kalispell Water Dept.

These Rules and Regulations do not in any way relieve the Kalispell Water Department from any of its duties under the laws of the State of Montana. The authority requiring the Rules and Regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

Rule II Definitions

The words or phrases used hereinafter shall mean as follows:

1. "City Council" means the duly elected governing body of the City of Kalispell, to include the Mayor.
2. "City Manager" means the duly appointed City Manager of the City of Kalispell or any person authorized by him/her to perform acts in his/her behalf.
3. "City Sanitary Sewer" means the system operated by the Kalispell Sewer Department for the collection, conveyance, and treatment of sewage.
4. "City Water" means water furnished by the Kalispell Water Department.
5. "Commercial Service" means any water usage other than solely for residential purposes except in a residence in which the resident operates a neighborhood business occupying less than thirty percent of the living area and which the water consumption for the business would be insignificant. Where a single structure has a neighborhood business exceeding the foregoing or has more than one business combined with a residence, the water service shall be considered

“Commercial Service”. Commercial Service includes, but is not limited to: schools, hospitals, nursing homes, churches, hotels, motels, trailer parks, apartments, condos, multi-plex units, and rooming housing with two or more rooms on a rental basis are considered Commercial services and not Residential.

6. “Customer” or “Consumer” means any individual, partnership, association, firm, public or private corporation or government agency, or any other user receiving water. In the case of a tenant or landlord, the property owner is considered the customer or consumer.
7. “Developer” means any person, firm, corporation, or other entity that causes improvements to be made upon the land with said improvements requiring water service.
8. “Director of Public Works” means the Director of Public Works for the City Of Kalispell or any person authorized by him/her to perform acts in his/her behalf.
9. “Distribution Main” or “Main” means a water pipe owned, operated and maintained by the Water Department, which is used for the purposes of distributing water, and to which service connections are attached.
10. “Extension Agreement/Latecomer Agreement” means an agreement between the City of Kalispell and a Developer which allows the Developer to connect onto an existing main owned by the City, and extend water service to the property of the Developer. The Agreement sets forth the value of the extended main and the charges for new customer connections to the main which are paid to the Developer. The said Agreement must be adopted by Resolution of the City Council and signed by the Mayor and the Developer.
11. “Meter Pit or Vault” means the subsurface structure that houses a water meter, protecting the meter from damage and allowing the City easy access to the meter for maintenance, investigation, or reading. All new meter installations shall be in vaults or pits that meet material and installation requirements as set forth in the standards.
12. “Permittee” means any person, firm, corporation or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
13. “Private Fire Protection Line” means a water service line extending from the distribution system to and through a structure for which the sole purpose of such service is for extinguishment of fire. A Private Fire Protection System is the property of the customer, and the Water Department does not operate or maintain any component of the Private Fire Protection System.

14. “Private Main” means any water pipe not owned, operated and maintained by the City of Kalispell to which more than one service line was originally connected.
15. “Public Service Commission” means the Montana Public Service Commission.
16. “Service Connection” means the connection and or the tap at the distribution main or collection main which connects the customer’s service pipe to the main.
17. “Service Pipe or “Service Line” means the piping from the service connection and or tap at the main to the customer’s premises being supplied with water.
18. “Standards” shall mean the current “Standards for Design and Construction”, as adopted by the Kalispell City Council.
19. “Residential Service” means water usage solely for residential purposes.
20. “Water Department” means the City of Kalispell Water Department.

Rule III Records and Reports

1. Preservation of Records: All records required by these Rules shall be preserved by the Water Department in accordance with the “Rules to Govern the Preservation of Records of Public Utilities and Licensees”, as prescribed by the National Association of Regulatory Utility Commissioners (NARUC), dated April, 1972.
2. Filing of Rules, Regulations, and Rate Schedules: No rules, regulations or schedules of rates or modification of the same, shall be effective until adopted by the City Council.
3. Financial and Statistical Report: The Water Department shall file annually a Financial and Statistical Report upon forms to be furnished by the Public Service Commission. This report shall be filed on or before October 31 of each year as set forth in Section 69-3-203 MCA.

Rule IV Customer Information

1. Rates: The Water Department shall explain to the customer, during the application for service, or whenever the customer requests to do so, the Water Department’s rates applicable to the type of service furnished to the customer. The Water Department shall supply the customer, when requested, with a copy of the Rate Schedule.

2. Rules and Regulations: A copy of the Rules and Regulations of the Water Department and any contracts and applications applicable to the Water Department shall be maintained in the office for inspection by the public.
3. Posting: The Water Department shall exhibit, in a conspicuous location, a placard, in large type, giving information to the customer that a copy of the Rules and Regulations of the Water Department and the schedule of rates are kept for their inspection. The information shall state that the Water Department is regulated by the Kalispell City Council and under the direct supervision of the Director of Public Works.

Rule V Uses and Charges

1. Free Water: The Water Department shall not supply free water to any customer.
2. Temporary Services: Water for construction, special projects or other short term usages must be applied for specially and shall be for a period no longer than six months. The usage charge shall be based on a meter reading and the Rate Schedule.

In all cases, the customer must pay for all charges necessary to provide the temporary service, including the removal of the service and meter, if required. Temporary water service, if granted, may be terminated by the City after three days, when prior written notice of termination has been personally delivered or mailed to the owner's or the owner's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service.

3. Seasonal Service: Where water service is desired for only certain periods of each year, such as vacation homes, or where the customer wants the service discontinued for a period of time, the customer shall be considered receiving "seasonal service". When such service is desired, the customer shall notify the Water Department stating the date of water shut-off and the date of water turn-on. During the full billing periods the water is turned off, there shall be no billing. The Water Department shall charge the customer for turning the water on and turning the water off in accordance with the Rate Schedule.
4. Private Fire Protection Line: For commercial services the pipeline used for the fire protection system shall be separate, with no inter-connections, from the service pipe and any piping or fixtures within or outside the structure. The customer shall pay the cost of installation of the system, including the Water Department's charge for tapping the main, the fittings at the main, and all piping and appurtenances. The commercial private fire protection line will not be metered, but a monthly charge will be levied in accordance with the Rate Schedule. For

residential service the fire protection pipeline shall use the residential tap, service pipe, curb stop, and meter pit.

The extent of the rights of the private fire protection service customer is to receive, but only at times of fire on his premises, such supply of water as shall be available from the water system. The Water Department reserves the right to shut off residential fire protection line service as defined in Rule XII Discontinuance of Service. The Water Department shall not be considered in any manner an insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and it shall be free and exempt from any and all claims for damages on account of any injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.

5. Water Sprinkling: Residential Services will receive a reduced water charge for usage above the established winter average for sprinkling of lawns, gardens, and landscaping, during the sprinkling season months of May through October in accordance with the Rate Schedule. The winter average is determined from the average monthly usage during the four (4) month period from November through February. Residential customers who have had their service discontinued at any time, or have no usage during the four (4) month winter average period, will receive a winter average of 7,000 gallons per month. Residential Customers who, at the customer's expense, install separate water sprinkling services, will be charged a administrative charge and meter replacement fee, during the sprinkling season, for the size of meter installed, and all water usage will be billed at the water sprinkling rate. The Water Department will furnish a 3/4" meter at no charge to the customer. The customer wanting a larger meter must pay the additional cost of any meter furnished over the cost of a 3/4" meter.

Commercial Services may request a water sprinkling rate. To obtain such a rate, a separate meter must be installed in accordance with the Rate Schedule. All such metered water shall be billed an administrative charge and meter replacement fee, for the appropriate size meter, and all water usage, will be billed at the water sprinkling rate.

No administrative charge, or meter replacement fee will be assessed during the monthly periods when water sprinkling is not occurring, November through April. Metered service installed for sprinkling cannot be used for any other purpose and any usage outside of the sprinkling season shall be billed at the normal water usage rates in accordance with the Rate Schedule.

6. No City Water But City Sanitary Sewer: Commercial or Residential customers which are not connected to city water, but which discharge sewage into the city sanitary sewer, shall have their water service metered. The metering shall be at the expense of the customer, including

the meter, and be compatible with the City's metering system. The Water Department personnel shall have access to the water meter for reading purposes. There will be no charge made for the water used, but the meter reading will be used as a basis for a sewer service charge. The Water Department reserves the right to check the customer's meter for accuracy. Meters which are found to be over 2% in error, in the customer's favor, shall be replaced or repaired by Water Department personnel, at the customer's expense.

7. Usage Restriction: The Water Department agrees to furnish water for specified uses and for specified fees. If a customer furnishes locations with water without written permission from the Director of Public Works, or uses the water for other purposes than those for which the customer is paying, it is a violation of the service contract. Upon discovery by the Water Department of a violation of usage, the customer shall be mailed a written notice of such offense. After 30 days from the date of mailing said written notice, the Department of Public Works may have the water shut off and service discontinued until such a time as the additional services furnished have been paid for or the violation rectified. A turn-on charge, if any, must be paid by the customer in accordance with the Rate Schedule. In no case will the Water Department furnish water from one meter to two or more houses, whether or not the same are owned by one person or entity.
8. Turn-On or Turn-Off: New customers will not be charged turn on fees for existing services, if the turn-on is made during regular working hours. Turn-on service required at times other than regular working hours will be charged to the customer in accordance with the Rate Schedule. Where no service line to the premise is in place, the new customer will be charged an impact fee as provided in Rule VII and shall be paid before connection is made. Turn-Off will be made when requested by existing customer, at no cost to the customer. See Rule XII for charges made against the customer for Turn-Off necessitated for non-payment of service charges. Turn-on and Turn-off service required at times other than regular working hours will be charged to the customer in accordance with the Rate Schedule. Temporary and Seasonal services will be charged for these services per the Rate Schedule.
9. Resale of Water: Water furnished by the Water Department shall not be resold or caused to be resold by any customer unless the customer is engaged in the business of distributing water as a public water supply defined by MDEQ, and a Memorandum of Understanding defining responsibilities of the both public water systems has been signed and approved by the City Manager.
10. Annexation Required for Initiation or Continuation of Water Service: Any customer now receiving, or hereafter initiating, water service supplied by the Kalispell Water Department, shall be deemed to have consented to, and waived the right to protest, annexation to the City of Kalispell as a condition of continuing or initiating said water service.

Rule VI Rate Establishment

All rates and rate adjustments shall be adopted by the City Council through the Hearing Process. The rates shall be in accordance with Exhibit “A” attached.

Rule VII Application for Water Service

All customers desiring water service must make written application at the Water Department office on forms provided therefore, setting forth in said application all purposes for which water will be used upon their premises. In cases where the customer is not the owner of the premises, the customer is primarily liable for payment for water service and the property owner is jointly and severally liable for such payment. All applications for the introduction of water service to any premise must be signed by the property owner. Any change in the identity of the contracting customer at a premise will require a new application for water.

When the contracting consumer is a renter, leasee, or is not the property owner, an application for water service shall be made in the consumer’s own name and the consumer shall be primarily liable for payment of the water service. Billing in this manner will not release the liability of the owner and in this instance the Water Department shall notify the property owner of the new service application as an endorsement on the property owner’s application.

It is the responsibility of the applicant to contact the Director of Public Works or City authorized representative, prior to making application to be sure that there is a water main adjacent to the applicant’s property. If no main exists, it is the applicant’s responsibility to install a main, in accordance with City Standards, at the applicant’s expense.

All premises to be served, which have not previously been served by the system, will be assessed an impact fee. Impact fees are due and must be paid before service application may be approved.

Rule VIII Refusal to Serve Customer

The Water Department may decline to serve an applicant:

- (1) Until the applicant has complied with these Rules and Regulations governing water service, or
- (2) if, in the Water Department’s judgment, the applicant’s installation of piping, equipment, or appurtenances is regarded as hazardous, of such character that satisfactory service cannot be given, or

(3) if the applicant's system could cause damage or harmful effects to the water system or adjoining properties, or

(4) if the customer's system or private water line serving the customer's property is leaking and the applicant or customer refuses to repair the leak.

In the event the Water Department refuses to serve an applicant under the provisions of this rule, the Water Department shall inform the applicant that the applicant may submit the question of refusal to serve to the City Council for their review and decision.

Rule IX Billing

1. Billing Periods: The charges for municipal water services and fireline charges shall be billed at least monthly. To meet unusual conditions, such as discontinuances, the utility may render bills for service at other than the aforementioned intervals. The date of the month for reading any meter shall be, as close to practical, to the same date as the preceding reading. The billing dates shall likewise be monthly, with a date of mailing of said bill as near as practical to the date of mailing of the previous bill. In case of leased property, all billing shall be sent to the tenant and property owner, unless the property owner agrees to be billed directly.
2. Opening and Closing Bills: Opening and closing bills for water service will be computed in accordance with the rate applicable to the service, by amount of water used and the administrative charge, on a pro-rated basis of the number of days in the period of question to the number of days in the normal billing period.
3. Billing Information: Bills shall show the meter readings at the beginning and the end of the period for which the bill is rendered, the date of the meter reading, the number of gallons supplied, and the date upon which payment is overdue.
4. Adjustment of Bills: If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer shall notify the Water Department within five (5) days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter, the customer, upon depositing the amount set forth in the Rate Schedule, may request that the meter be removed and tested for accuracy in the presence of the customer. If the meter is found to be registering correctly within two percent (2%) of true recording or in favor of the customer, the amount deposited shall be forfeited to the Water Department. If the meter is found to be recording incorrectly (i.e. over two percent (2%) of true recording) against the customer, the Water Department shall refund the deposit and refund to the customer the overage, based on a true recording for a period of six (6) months or for a lesser period, if the date of cause can be established from records related to the cause.

5. Error in Billing: If an error in billing or meter reading has been made, the City may recover any undercharge or must refund any over-collections for the previous six months, as applicable.
6. Dead Meters: If a meter is found not to register for any period, the Water Department shall compute the water used as follows:
 - a. For customers who have been served for over one year, the amount billed shall be based on the same consumption use as occurred during the same period the previous year.
 - b. For customers who have been served for less than one year, the amount billed shall be based upon water used for the last billing period.

Exceptions will be made to the rule if the facts reasonably show that either method does not give the correct consumption for the period.

Rule X Complaints

The Water Department shall make a full and prompt investigation of all complaints made by customers of the Water Utility, and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the Water Department shall notify the customer of the privilege of appeal to the City Manager or City Council.

Rule XI Service Interruptions

1. Notification of Scheduled Interruption: Every customer affected by an interruption in service shall be notified in advance of all programmed work. Such notice shall be made at least 18 hours in advance in the form of personal contact, or a notification tag placed on the entrance way for interruptions affecting 24 or fewer customers. For interruptions affecting a larger area than the foregoing, the notification may be in the form of the foregoing or a notification over the electronic media at least twice prior to 18 hours before interruption.
2. Emergency Interruption: In the event of an emergency interruption, the Water Department shall re-establish service as soon as possible. When emergency repairs, such as main breaks, fire hydrant damage, etc., becomes necessary, a concerted effort shall be made by the Water Department to repair the cause without total disruption of service, except for that period when complete shutoff may be required due to the nature of the damage. Notification of affected customers may not be possible. However, every effort shall be made by the Water Department to have an announcement sent over the electronic media if the period of total interruption is expected to be more than a four (4) hour period.

3. Liability: The Water Department shall not be liable to customers or others for failure or interruption of water service due to main breaks, routine maintenance and operations, acts of God, governmental regulations, court or Public Service Commission orders, acts of a public enemy, strikes or labor disputes, accidents, weather conditions, acts of third parties, droughts, or, without limitation by the forgoing, any other cause beyond the reasonable control of the Water Department Personnel.
4. Adjustment of Rate for Interruption: Interruptions of service due to any of the foregoing or for the customer's frozen facilities shall not render the City liable for any adjustment in the bill.

Rule XII Discontinuance of Service

1. Vacation of Premises: Any customer who is about to vacate any premise supplied with service by the Water Department, or for any reason, wishes to have service discontinued, shall give at least a 24 hour notice to the Water Department. Notice shall specify the date on which discontinuance is desired. Discontinuance will not be made on Saturday, Sunday, or Holiday unless the customer agrees, in writing, to pay the actual cost of turn off. Until the Water Department receives such notice, the customer shall be held responsible for all services rendered.
2. Temporary Discontinuance: Should the customer desire temporary discontinuance of service, the Water Department when notified will shut off the water at the curb stop and allowance will be made on the bill for such times as the water is not in use. If the customer requests the service to be reconnected within six (6) months of the date of disconnect, the customer shall pay the turn on charge, as set forth in the Rate Schedule, before the Water Department will turn on the water. In the event the curb stop cannot be closed for reasons beyond the control of the Water Department, the Water Department shall notify the customer of the reasons for not discontinuing service.
3. Discontinuance by Water Department: The Water Department shall make a diligent effort to induce the customer to comply with all applicable Rules and Regulations, including payment of bills. When payment becomes delinquent as indicated by a past due notice on current billing, the customer shall have ten days after the billing notice to comply by making payment. If payment is not made, the Water Department is directed to place a notice upon the premise advising that service will be shut off and stating the date when this will be done and a tag fee will be levied in accordance with the Rate Schedule. The Water Department shall not be liable for failure of the customer to see such notice or for disappearance of the notice from the premises. The Water Department shall keep record of all notices. The Water Department shall not discontinue service on Friday, Saturday or Sunday, or a day prior to a holiday, or if an emergency affecting health exists. A written

statement from a physician or health agency must be presented to the Water Department within five days, if such claim of emergency is made.

In the case of fraudulent use of water, or where the water utility's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, the water may be shut off without advance notice. An example of a dangerous condition is one which could cause damage to the water system or one which could potentially allow contaminants to enter the water system.

4. Charges for Reconnections Due to Water Department's Discontinuance: Whenever the supply of water is turned off for violation of the Rules and Regulations, the Water Department must receive payment for all charges, as determined in the Rate Schedule, before the water will be turned on. After service has been turned off because of non-payment of bills, the services shall not be turned on again until all back water bills have been paid.
5. Disconnected Services: No plumber or other person shall be allowed to make connection with any conduit pipe or other fixture or to connect pipes when they have been disconnected, or to turn water on or off, on any premises served by the Water Department, without permission from the Water Department.

Rule XIII Access to Property

Water Department Personnel shall, at all reasonable times, have access to meters, service connections, curb boxes, and other property owned by the City, which is on the customer's premises, for purposes of maintenance, operation and inspection. The Water Department also reserves the right to inspect all plumbing connected to and with the supply of water for violation of use, or improper or illegal connections. The customer shall remove obstructions and contain pets such that they do not impair ingress or egress or interfere with the work of the Water Department personnel. Refusal on the part of the customer to allow access for such purposes, remove obstructions or contain pets shall be deemed to be sufficient cause for discontinuance of service by the Water Department. However, the customer shall have the right to verify the identity of the person seeking access.

Rule XIV Identification of Employees

Every employee of the Water Department whose duties require the entering of the customer's premises shall carry an identification card which identifies the employee as a representative of the Water Department. The identification card shall contain pertinent information necessary to identify the employee including a photograph, together with the

telephone number of the Water Department. The customer may refuse access to the customer's premises while the customer calls the Water Department to check the authenticity of the identification card and that the employee is working for the Water Department.

Rule XV Metering

1. Utility to Provide Meters: All water furnished by the Water Department shall be metered, except private fire protection lines and temporary services as approved by the Water Department. The Water Department shall provide, operate and maintain all meters, except as provided in Rule V (5) for water sprinkling. The customer is responsible for the cost of testing and maintenance of all meters in excess of two inches. Under no circumstances shall the customer remove, manipulate, or tamper with the meter.

The Water Department may replace any meter at such time as it may be judged necessary by the Water Department.

2. Location of Meters: The customer shall provide adequate protection of the meter from frost or other damage. The meter must be located in a horizontal position where it is easily accessible for purposes of reading and repairing. When a meter is located inside a house or building, the Water Department, at its own expense, may install a remote register for meter reading on the exterior of the house or building. The cost of repairs to meters caused by freezing or other damage shall be paid by the customer. All new meter installations shall be in vaults or pits that meet material and installation requirements as set forth in the standards.
3. Meter Testing: The Water Department shall have equipment for testing the accuracy of all meters owned by the Water Department through two inches in size. For testing of meters larger than 2 inches, the equipment may be owned and operated by the Water Department or the meters may be sent to a qualified shop or laboratory for such testing. The Water Department shall have a program for testing of all meters and shall keep an accurate record of the date of testing of each meter.
4. Meter Accuracy: Water service sizing and fittings before a meter pit or vault shall follow the requirements outlined in the Standards for Design and Construction. Whenever a meter is found to exceed a limit of two percent fast or slow, it must be adjusted to register as nearly one hundred percent as commercially practicable or replaced. A manufacturer's certified test will be acceptable for the accuracy of new meters.

Rule XVI Changes in Character of Service

In the event the Water Department makes changes in the system which would cause an increase of 10 p.s.i.g., or more above routine operation, in the pressure of the system, or portion of system thereof, the Water Department shall notify the customers who will be affected by said increase. The customer shall be responsible for the adjustment of appliances and equipment of installation and maintenance of pressure reduction devices to accommodate the increased pressure.

Rule XVII Extension of Water Mains

1. Cost of Extensions: It shall be the responsibility of the developer or property owner to extend and pay all costs thereof, for all main extensions from the existing city facilities to the site of development in accordance with all City Standards. Under certain circumstances, the Kalispell City Council may determine that it is appropriate to approve and enter into a Developers Extension Agreement with the developer or property owner to provide for the reimbursement of costs associated with construction of the infrastructure which exceeds the size or capacity of Standard requirements for the development. This agreement sets forth the value of the extended main, the charges for new customer connections to the extension main, and allows the developer to recover costs associated with the extension of said utility service for Standard improvements greater than required to serve the development. The said Agreement must be adopted by Resolution of the City Council and signed by the Mayor and the Developer.
2. Extension Agreement or Late-Coming Customer Fee: If the City has become contractually obligated to collect a latecomer fee from a customer who connects to a main extension associated with an agreement, the City may refuse to allow such customer to connect to the extension until the fee is paid. If such customer fails or refuses to pay such fee when required, it shall be sufficient cause for discontinuance of service. Customers who connect to the system after the extension is complete and who did not share in the cost of the extension shall pay the main extender a pro rata share of the costs as defined in the agreement.
3. Standards of Installation: All mains, appurtenances and auxiliary piping shall be designed and installed in accordance with the City Standards.
4. Oversizing Mains: A Developers Extension Agreement may be established, upon approval of Council for main extensions that exceed the size and capacity as required for the development in accordance with City Standards. However, if the City requires the

customer or developer extending the main to install a larger size main than required by City Standards, the City shall pay the difference in cost between the larger main required by the City, and the size of main required by said standards.

5. Additional Extensions: The City reserves the right to further extend the mains installed by foregoing customers. The City also reserves the right to charge future main extenders, for their pro-rated share of the cost for the oversizing of the City's infrastructure. Such pro-rated cost shall be based on volume of flow contributed by the development for which the line was further extended, versus the volume of flow of which the oversized portion of the existing main could handle.

Rule XVIII Service Lines and Connections

1. Main Connections: For services, the Water Department shall install a service saddle, a service valve as well as tap the main. The customer shall bear the full expense for labor, equipment and materials for such installations. The customer shall obtain a permit from the Department of Public Works before making said excavation and connection. All work shall be performed in accordance with City Standards.
2. Service Lines: The customer, at the customer's expense, shall be responsible to install all piping and appurtenances, except the meter, from the main connection to the point of usage, and restore all surfaces to the condition which existed before the installation. The service line, curb stop and curb box shall be as specified in the City Standards. The curb stop and curb box shall be in the public right of way or an easement, in an accessible location approved by the City. There shall be no branches made in the service line between the main and the meter. All piping and appurtenances shall be installed, tested, chlorinated and flushed in accordance with City Standards. Structures containing two or more residences under separate ownership shall have separate service lines from the main, service valves, curb stops, and meters for each residence. Structures containing two or more residences, offices, or businesses that are rental units under common ownership shall have one service line, valve, curb stop, and meter for all occupants within a single structure.
3. Maintenance of Service Lines: The customer shall maintain, at the customer's expense, all service piping and appurtenances in a good condition, free from leaks. Failure to do so shall be cause for discontinuance of service. If curb boxes are not maintained to a condition that the service can be shut off or turned on freely, the Water Department reserves the right to make whatever repairs are necessary to be able to perform full functions and charge the customer for labor, equipment and materials necessary to make the repair. It is the customer's responsibility to repair any leaks in the service line immediately upon discovery.

4. Interior Plumbing and Fixtures: All plumbing connected, directly or indirectly, to the supply or service of the City's water system shall conform to the installation requirements of the International Association of Plumbing and Mechanical officials "Uniform Plumbing Code" and these rules and regulations.

Rule XIX Freezing and Prevention of Freezing

1. Mains: If there is a danger of freezing of the mains, the Water Department may request customers individually or within a specified area, to run water sufficient to prevent freezing. Customers thus requested will not be billed for the excess used and their billing during the request period will be based on the same amount used during the same billing period the previous year, or, in the case of new customers, their billing will be based on a minimum charge. The Water Department shall notify the requested customers when the period of freezing danger is over and the normal billing rate will become effective the next billing period. In the event the main does freeze, the Water Department shall be responsible for all costs in thawing the main and repairing any damage to the main.
2. Service Lines: The customer is responsible for the prevention of freezing of the service line and appurtenances. If freezing does occur to the service line, the customer shall bear the cost of thawing and replacement of any damaged piping, appurtenances and equipment. It is the customer's responsibility to properly drain all water lines to prevent freezing when the service has been shut off for whatever reason.

Rule XX Fire Hydrants

Fire hydrants, except those on the Private Fire Protection Line, are the property of the City, which shall have the responsibility for maintaining the same in good repair. The cost for hydrant maintenance shall be included in the metered rates charged to the customer as set forth in the Rate Schedule.

Rule XXI Abandonment of Service

When a lot or parcel is developed to a permitted use, all duplicate, excess, and/or unused services and fire services, including stub-outs, shall be abandoned at the main at no cost to the City. Aggregation of parcels will trigger abandonment of unused water and fire services. Whenever a building served by water ceases to exist, water services and fire services shall be abandoned at the main. At the discretion of the Water Department, however, and depending upon whether water service is anticipated to be renewed within one year, temporary removal from service may be controlled with an operative curb stop.

Rule XXII Source Water Protection.

1. Geothermal Injection Wells and Open-Loop Systems: All geothermal injection wells and open-loop systems located within the City limits are required to submit a hydrologic assessment report, performed by an experienced hydrologist, describing potential water-quality effects to the City's water production sources. The report will provide an evaluation of the effect the injection water could have on a municipal well using a modular finite-difference groundwater flow model, or approved equivalent model. The report will include a location map of City water source and private wells, pumping and injection rates, groundwater flow direction, and capture zone analysis with a particle tracking map. The applicant will also provide a copy of either the EPA injection permit or the Authorization Rule issued to the applicant by the EPA. If the report indicates there will be a detrimental effect on the municipal water source, the City may refuse to service the applicant as defined in Rule VIII Refusal to Serve Customer.
2. Cross Connection: No pipes or fixtures connected to the water supply of the Water Department will be connected, directly or indirectly, to pipes or fixtures containing water from any other source.
3. Backflow Assemblies: Backflow assembly testing shall be performed per manufacture specifications and the certification made available to the City upon request.

Rule XXIII Private Mains

1. The City shall have no obligation to maintain, test, repair or replace private mains, and the City shall not be liable or responsible for any damage caused by water leaking from a private main.
2. All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, and repairing. All customers served by a private main are advised to replace such line with a properly designed and installed main.
3. If in the judgment of the Water Department a private main has become hazardous, or could damage or cause harmful effects to the water system, to customers, or to neighboring property owners or residents, the Water Department shall give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Water Department shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Water Department determines that it is not feasible or practical to remediate the private main, the Water Department shall give reasonable notice to such customers of the need to install a new main, or connect to an existing main, in the discretion of the Water Department. The Water Department shall

allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. The Water Department may, in their discretion, grant extensions of time. If any customer fails or refuses to conduct the needed maintenance, testing, repair or replacement, or fails or refuses to install a new main or connect to an existing main, it shall be sufficient cause for discontinuance of service.

Rule XXIV Regulation Amendments

The City Council may adopt, establish or change policies which define and govern the action of the Water Department personnel on specific and special conditions. The said policy shall not be in conflict with any of the Rules and Regulations contained herein. The decision of the City Council to adopt, establish or change such policies shall be made by a motion duly adopted and approved and filed with the City Clerk.

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 1

SCHEDULE A

RESIDENTIAL AND COMMERCIAL SERVICE

Available for: User premises located within the City Limits

Charge: \$7.50 administrative cost per meter per month

Meter charge:

Meter Size	Fee per Billing Cycle
3/4"	\$.80
1"	1.38
1 1/2"	2.68
2"	3.75
3"	14.10
4"	19.88
> 4" determined at time of connection based upon 15 year replacement life	

Rate:

All consumption \$2.43 per thousand gallons/no minimum

MULTIPLE USERS

Number of units will not be a factor in the rate formula.

Special Terms and Conditions

1. See Sheet 2 Schedule B for Sprinkling Terms, etc.
2. Out of City rate 1.25 times the in-City rate.

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 2

SCHEDULE B

RESIDENTIAL SPRINKLING SERVICE

Available for: Residential Users only

Rate: Special summer rate -- Water used for sprinkling purposes.

All residential users who do not have separately metered sprinkling services will be charged during the months of May, June, July, August, September and October (see rate) per thousand gallons on the amount of water used in excess of the average consumption for the preceding four months.

Rate:
Per 1,000 gallons \$1.55

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 3

SCHEDULE B-1

SEPARATELY METERED SPRINKLING SERVICE

Available for: All users within the City limits

Rate: \$1.55/per thousand gallons

All water users supplied through a separately metered sprinkling service as provided in the Rules and Regulations will be billed during the Sprinkling Season as defined herein for all water used during the Sprinkling Season. No fee will be assessed against these separate sprinkling services except during the Sprinkling Season. No Sewer fees will be assessed against these separate sprinkling services unless water is used for other purposes (which are prohibited in the Rules and Regulations.)

Where usage other than during the Sprinkling Season is indicated, this separate service may be cut off and charged per Schedule A rendered for that usage.

Separately metered Sprinkling Services are permitted only in conjunction with usage through a service to a dwelling or commercial account.

Special Terms and Conditions

Separate Sprinkling Services will not be granted OUTSIDE THE CITY LIMITS.

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 4

SCHEDULE C

SPECIAL SUMMER SPRINKLING

Available for: COMMERCIAL USERS AND SCHOOLS

Rate:

Commercial users, including schools, will be granted Sprinkling Rates ONLY if Separately Metered Services are installed for that purpose. Such services may be entirely separate from the main to the property or separated ahead of the principal meter serving the property. Users served in this manner for this purpose will be billed per thousand gallons on all water used for this purpose during the Sprinkling Season outlined under Residential Meters. No Sewer Fees will be assessed against these Separate Sprinkling Services unless water is used for other purposes, which is prohibited in the Rules and Regulations. The Utility will provide 3/4" meters for these Separately Metered Services. If larger meters are needed, the cost of said larger meter will be paid by the user.

Rate: \$1.55/ per thousand gallons

Special Terms and Conditions

Separate Sprinkling Services will not be permitted OUTSIDE THE CITY LIMITS.

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 5

SCHEDULE D

WATER ASSOCIATIONS SERVICE

Available for: SERVICE TO WATER ASSOCIATIONS, OTHER WATER UTILITIES FOR
RESALE

Rate: Service supplied for Water Associations or their Water Utilities will not be provided
under Schedule A rates, but will be based on the service to be supplied and Rates
Negotiated at the time agreement is made to provide the services.

MISCELLANEOUS SALES OF WATER

Water sold from Hydrants to trucks by the load:

Rate: \$4.14/ per thousand gallons \$40.00 Hydrant Meter Setting and Removal Fee
Minimum 10,000 gallons

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 6

SCHEDULE E

Available for: COMMERCIAL FIRE PROTECTION – NOT METERED

Rate: PER MONTH

SIZE OF SERVICE	RATE
2 Inches	\$24.80
3 Inches	\$29.25
4 Inches	\$32.50
6 Inches	\$40.10
8 Inches	\$51.00
10 Inches	\$70.35

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 7

SCHEDULE F

FEES FOR SPECIAL SERVICES

Tag Fee

Rate: A \$20.00 fee will be added to delinquent accounts when City staff is required to notify residents of potential water turn-off by leaving a written notice at their premises. This fee reimburses the City for the costs associated with notification and delivery.

Turn On Fee

Rate: When applicable as provided in Rules and Regulations each occurrence when made during regular working hours shall be billed \$30.00. When required other than regular working hours will be billed at \$95.00.

Meter Testing at Customer Request

Deposits required as outlined in Rules and Regulations and refundable under conditions outlined herein.

Meters up to 2"	\$ 40.00 Deposit
Larger than 2"	100.00 Deposit

CITY OF KALISPELL
KALISPELL, MONTANA

EXHIBIT "A"

UTILITY SCHEDULE FOR WATER

EFFECTIVE January 1, 2016

PAGE NO. 8

SCHEDULE G

OUT OF CITY SERVICES

Available for: Residential and Commercial services located outside the City limits, available only by contract approved by the City Council.

Rate: Rates per all Schedules where service is allocated,
PLUS SURCHARGE OF 25%.